

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRUE THE VOTE, <i>et al.</i> ,	§	
Plaintiffs,	§	
	§	
v.	§	C.A. NO. 3:14-CV-532-NFA
	§	
THE HONORABLE DELBERT	§	
HOSEMANN, in his official capacity	§	
as Secretary of State for the State	§	
of Mississippi, <i>et al.</i> ,	§	
Defendants.	§	

ORDER

Before the Court is Plaintiffs' Motion to Strike [Doc. # 57] ("Motion"), to which Defendant The Honorable Delbert Hosemann ("Hosemann") has responded [Doc. # 73]. Plaintiffs have requested an expedited ruling on their Motion. *See* Letter to Court, dated July 31, 2014 [Doc. # 63], at 2.

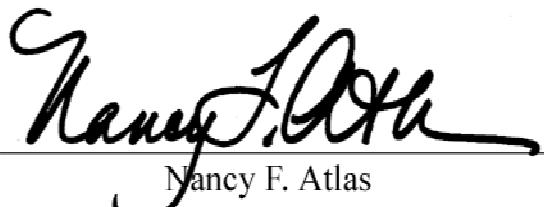
In their Motion, Plaintiffs "move to strike the motion to dismiss" from Hosemann's Answer [Doc. # 52], on the grounds that the Local Rules of the Southern District of Mississippi do not permit a Defendant to raise a motion within the body of an answer. Motion, at 2. In Response, Hosemann contends that his Answer is not a motion to dismiss and was never intended to be a motion. *See* Response [Doc. # 73], at 1 ("The Secretary's answer is not a motion, is not styled as a motion, is not

docketed as a motion, and is not intended to be a motion.”). The parties therefore agree that Hosemann’s request embedded in his Answer that the Court should “dismiss [P]laintiffs’ complaint with prejudice,” *see* Answer, at 14, is not a “motion to dismiss,” and Plaintiffs’ Motion to strike that statement is moot. The Court will not treat the statement as a separately-filed motion and Plaintiffs are not required to file a response in opposition to that statement.

For these reasons, it is hereby

ORDERED that Plaintiffs’ Motion to Strike [Doc. # 57] is **DENIED AS MOOT.**

Signed at Houston, Texas, this 6th day of **August, 2014**.



Nancy F. Atlas
Nancy F. Atlas
United States District Judge